

1 BY MR. SHUBERT:

2 Q Are you going to have an Engineer?

3 A Contract Engineer, yes.

4 Q Part-time?

5 A Yes.

6 Q Are any of the other people in the station going to
7 have responsibility for hiring and firing?

8 A No.

9 Q You will do that exclusively for all departments?

10 A Yes.

11 Q Do you have a copy of your integration statement
12 there that was prepared by Mr. Fitch or signed by Mr. Fitch?

13 A No.

14 Q Do you have the erratum to that?

15 MR. FITCH: No, he does not.

16 WITNESS: Yes.

17 BY MR. SHUBERT:

18 Q Now, there were two erratums filed to that, weren't
19 there, one on April 8th and one on April 15th?

20 A We just have the April 7th before us.

21 Q Oh, April 7th and April 15th. You don't have the
22 other one?

23 A It's further errata?

24 Q Now, did you see that integration statement when it
25 was first filed?

1 A Right, with little typographic errors, yes.

2 Q But it wasn't correct? Yes or no? This is not a
3 hard question. Yes or no?

4 A There were changes and there were corrections, yes.
5 Everything I see and reviewed before it was submitted, if
6 that's what you're asking me.

7 Q Are you planning an automated radio operation?

8 A No, sir.

9 Q You're going to have a full-time operation?

10 A Yes.

11 Q You're going to run it 24 hours a day?

12 A Probably.

13 Q Are you going to be doing selling?

14 A I will be out on the street from time to time, yes.

15 Q Did you sell at your last radio station?

16 A Not really. I believe as a General Manager you
17 should be in the field and you should know your clients and I
18 tried to assist salespeople and Sales Manager on the methods
19 that are proper. I have a long background of sales management
20 and sales, so my direction, my input, and I think they should
21 see in the field the people that buy my -- buy time from me,
22 see me in person from time to time. That's not done
23 regularly, but I am out in the field once in awhile.

24 Q Is it safe to say that this radio station for
25 Calistoga you're going to operate it pretty much as you did

1 the one in Hanford?

2 A Yes.

3 Q And how will they differ?

4 A Entirely different operation, entirely different
5 day. Things have changed a lot since 1981.

6 Q But --

7 A Sales, computers, a lot of different things have
8 changed.

9 Q So you've got a different philosophy on the way the
10 station is going to be run?

11 A I'll look at it at the time that I put it on the
12 air.

13 Q You haven't formulated a philosophy at this point?

14 A Philosophy? What do you mean philosophy?

15 Q Of this radio station.

16 A I don't know what that means.

17 Q Well, you've got to have plans for the radio
18 station, don't you?

19 A To construct it and operate it, yes. I'm not going
20 to divulge my programming plans or what I'm going to do with
21 the station at this time, no.

22 Q Do you know?

23 A No.

24 Q Who's going to be doing the announcing at the
25 station? Are you going to do announcing?

1 A No.

2 MR. SHUBERT: If I could a minute, Your Honor, just
3 to finish up here?

4 JUDGE LUTON: Yes.

5 MR. SHUBERT: I have no further questions at this
6 point, Your Honor.

7 JUDGE LUTON: Redirect.

8 MR. FITCH: Yes, Your Honor. All right. Your
9 Honor, I've got a couple of questions to follow up on this
10 whole Absolutely Great theory.

11 REDIRECT EXAMINATION

12 BY MR. FITCH:

13 Q Mr. Willson, did your wife have any -- has your wife
14 had any involvement in your application?

15 A No.

16 Q Has she, has she assisted you in any way in
17 obtaining a site for your application?

18 A No.

19 Q Has she assisted you in any way in preparing cost
20 estimates?

21 A No.

22 Q Has she had --

23 A Other than to -- excuse me -- other than to update
24 what is in our various accounts.

25 Q All right. Has she to the best of your knowledge

EXHIBIT 3

and junior colleges, or through equivalent on-the-job training. Includes: Engineers, technicians and engineering aides, including: transmitter, studio maintenance and master control engineers, and news camera, news sound, film lab and drafting technicians. Also film editors, projectionists, and software specialists.

d. **Sales** - Occupations engaging wholly or primarily in direct selling. Includes: Sales account executives, sales analysts, account representatives and sales trainees.

e. **Office and Clerical** - Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly non-manual though some manual work not directly involved with altering or transporting the products is included. Includes: Secretaries, production assistants, traffic managers, traffic department employees, telephone operators, junior rating and research analysts, assistant camera technicians, news and feature assistants, billing clerks, mail clerks, messengers, cashiers, typists, key punch operators, bookkeepers, photo lab assistants, librarians, (music, film or other) readers, administrative assistants, tab operators, TWX operators, PBX operators, printing and duplicating operators, production coordinators, ledger clerks, operations assistants, pages and guides, stock clerks, office machine operators, including computer console operators. (The positions of traffic managers and administrative assistants have been included in the office and clerical category because in most instances they are not truly managerial positions. However, those stations that require managerial functions of either position (director of a full department or special phase of the firm's operation) may include it in the officials and managers category.)

f. **Craftsperson (skilled)** - Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the process involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: Electricians, machinists, building construction workers, hair stylists, carpenters, painters, make-up artists, wardrobe person, heating and air conditioning mechanics.

g. **Operatives (semiskilled)** - Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: Chauffeurs, mobile messengers, drivers, apprentice carpenters and painters, scenic artists, film department assistants, material handlers. (Apprentices - persons employed in a program including work training and related instruction to learn a trade or craft which is traditionally considered an apprenticeship, regardless of whether the program is registered with a Federal or State agency.

h. **Laborers (unskilled)** - Workers in manual occupations which generally require no special training. Perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: Studio grips, property persons, laborers performing lifting, pulling, piling, loading, etc., carwashers, set up helpers.

i. **Service Workers** - Workers in both protective and nonprotective service occupations. Includes: Cooks, counter and fountain workers, elevator operators, guards and watchpersons, doorkeepers, stewards, janitors, waiters and waitresses.

8. Total

Include in this column all employees in the Reporting Unit covered in the individual FCC Form 395-B. Consider as "full-time" employees all those working 30 or more hours a week.

9. Minority Group Identification

a. Minority group information necessary for this section may be obtained either by visual surveys of the work force, or from post-employment records as to the identity of employees. An employee may be included in the minority group to which she or he appears to belong, or is regarded in the community as belonging.

b. Since visual surveys are permitted, the fact that minority group identifications are not present on the company records is not an excuse for failure to provide the data called for.

c. Conducting a visual survey and keeping post-employment records of the race or ethnic origin of employees is legal in all jurisdictions and under all Federal and State laws. State laws prohibiting inquiries and record-keeping as to race, etc., relate only to applicants for jobs, not to employees.

d. FCC Form 395-B provides for reporting American Indians or Alaskan Natives; Asians or Pacific Islanders; Blacks, not of Hispanic origin; Hispanics; Whites, not of Hispanic origin; whenever such persons are employed. The category which most closely reflects the individual's recognition in his community should be used to report persons of mixed racial and/or ethnic origins.

10. Networks & Group Owners

Broadcast networks will file employment data in their role as group owners and report employees whose primary duties lie in the operation and/or management of the individual broadcast stations.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on this form is not provided, processing may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 10 minutes to 1 hour with an average of 53 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0390), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

EXHIBIT 4

**Supplemental Discovery Requests
With Respect to Third Motion
To Enlarge Issues Against Gary E. Willson**

I. Definitions

A. "Applicant" means Willson, as defined below, and his proposal (including his application, BPH-911115MO) to construct a new FM broadcast station on Channel 265 at Calistoga, California.

B. "Discussion documents" means notes, minutes or telephone toll records, and all other documents relating or referring to, or evidencing or reflecting, meetings, telephone conversations, or other oral communications relating or referring to, or evidencing or reflecting, the subject matter identified.

C. "Document" means each tangible thing, recording or reproduction, in any manner, any visual or auditory data in the Producing Parties' possession, control or custody, including without limitation correspondence, memoranda, transcripts, photographs, stenographic or handwritten notes, studies, evaluations, analyses, reports, reviews, working papers, books, charts, telegrams, pamphlets, program clocks, pictures, video or audio tapes, voice recordings, computer tapes, printout or cards, microfilm or microfiches, and any papers on which words have been written, printed, typed or otherwise affixed, and shall mean a copy where the original is not in the possession, control or custody of a Producing Party and shall mean every copy of every document where such copy is not an identical copy of an original.

D. "Identify" or "identify" when used with reference to a document shall require a statement of its name or title, its date, the identity of the person(s) who authored or signed it, the identify of the person(s) to whom it was addressed or sent, its present location, the identity of its present custodian, and a brief description of its contents.

E. "Incorporation or acquisition documents" or "corporate documents" means articles of incorporation, certificates of incorporation, bylaws, partnership agreements, certificates of partnership, minutes, merger or purchase agreements, closing papers, stock certificates, stock subscriptions or agreements, and all other documents relating or referring to, or evidencing or reflecting, the formation of Willson.

F. "Organization documents" means tables of organization, organization charts, resumes, and all other documents relating or referring to, or evidencing or reflecting, the positions, responsibilities, or qualifications of the officers, directors, partners, employees, agents, and representatives of Willson.

G. "Personal documents" means expense records and reports including any supporting documents, telephone logs, memos, and all other documents relating or referring to, or evidencing or reflecting, the travel meetings, or telephone conversations of the individuals identified.

H. "Persons" means any corporation(s) association(s), natural person(s) or other legal entities.

I. "Principal" means all officers, directors, shareholders, stock subscribers, owners, partners (limited or general), joint venturers, agents, or representatives thereof (present or former), including legal counsel and engineering consultants.

J. Producing Party(ies)" means Willson, as defined below.

K. "Willson" means Gary E. Willson, his employees, agents, or representatives thereof, including legal counsel, engineering and other consultants.

L. "Proposed Station" means the Applicant's proposed FM station on Channel 265A at Calistoga, California, File No. BPH-911115MO.

II. Document Requests

1. All documents which reveal or relate to Gary E. Willson's proposal to staff the Applicant's Proposed Station, or to the preparation thereof.

2. All documents which reveal or relate to Gary E. Willson's business plan for the Applicant's Proposed Station, or to the preparation thereof.

3. All documents which reveal or relate to funds earmarked to pay employee salaries, employee overtime or employee benefits (including FICA and unemployment compensation) at the Applicant's Proposed Station.

4. Any and all agreements for employment of personnel at the Applicant's Proposed Station.

5. Any and all documents relating to recruitment of personnel to be employed at the Applicant's Proposed Station.

6. All documents relating to the determination of the necessary staff for the Applicant's Proposed Station.

7. All documents relating to the programming to be presented at the Applicant's Proposed Station.

8. All documents that reflect or relate to the Applicant's plans to sell time on the Proposed Station.

9. All documents that reflect or relate to any broadcast operating schedule or plans for the Applicant's Proposed Station.

10. All documents that reflect or relate to any promotional plans or activities for the Applicant's Proposed Station.

III. Other Discovery

If the requested issue is added, Moonbeam also contemplates deposing Gary E. Willson.

CERTIFICATE OF SERVICE

The undersigned, an employee of Haley, Bader & Potts, hereby certifies that the foregoing Third Motion to Enlarge Issues Against Gary E. Willson was served, first class postage prepaid mail, or hand-delivered* to the following:

A. Wray Fitch, III, Esquire
Gammon & Grange
8280 Greensboro Drive
McLean, VA 22102-3807

Administrative Law Judge Edward Luton*
2000 L Street N.W.
Washington, D.C. 20036

Robert Zauner, Esquire*
Federal Communications Commission
Mass Media Bureau, Hearing Branch
Suite 7212
2025 M Street N.W.
Washington, D.C. 20554

A handwritten signature in cursive script, appearing to read "Lucy A. Santagap", written over a horizontal line.

August 18, 1993